

FEDERAL COMMUNICATIONS COMMISSION

Washington, D. C. 20554

MAY 25 2005

FILE

OFFICE OF  
MANAGING DIRECTOR

David Tillotson, Esq.  
4606 Charleston Terrace, NW  
Washington, D.C. 20007-1911

Re: Radio Station WMAC  
Fee Control No. 00000RROG-05-016  
Bill No. 02-MMB0698

Dear Mr. Tillotson:

This is in response to your third request that the Commission's Office of Managing Director waive the late payment penalty associated with the fiscal year (FY) 2001 regulatory fee for U.S. Broadcasting LP's Radio Station WMAC. Our records reflect that we have received U.S. Broadcasting's regulatory fees of \$12,840.00, but we have not received the late payment penalty of \$25.00 in connection with a \$100.00 underpayment.

On January 31, 2003, Mark Reger, Chief Financial Officer of the Commission, responded to your initial request, denying waiver of the late payment penalty. On October 30, 2003, Mr. Reger denied your request to reconsider the decision denying your request for waiver of the penalty charged for late payment. Our records indicate that the Commission received \$12,740 of the \$12,840 FY 2001 regulatory fees for U.S. Broadcasting's stations in August, 2001. On September 18, 2002, we received the remaining \$100.00 due.

You have not presented any additional information that requires further consideration of your waiver request.<sup>1</sup> As we stated before, we are assessing the \$25.00 late charge pursuant to the express requirements contained in Section 9 of the Act. As we indicated in our original denial of your waiver request, the Communications Act of 1934, as amended, requires the Commission to assess a late charge penalty of 25 percent on any regulatory fee not paid in a timely manner. 47 U.S.C. §159(c)(1). It is the obligation of the licensees responsible for regulatory fee payments to ensure that the Commission receives the fee payment no later than the final date on which regulatory fees are due for the year. Thus, U.S. Broadcasting was responsible for payment of the full 2001 regulatory fee of \$12,840 on September 26, 2001, the final date of the regulatory fee filing window for FY 2001.

Payment of US Broadcasting's late payment penalty of \$25.00 is now due. The late payment charge must be filed together with a copy of Bill No. 02-MMB0698 within 30 days from the date of this letter. Finally, we emphasize once more that you are advised that continued failure to pay the penalty may subject the licensee, US Broadcasting, to further sanctions, including the initiation of a proceeding to recover the penalty and any accrued interest pursuant to the provisions of the Debt Collection

<sup>1</sup> Because this matter previously has been denied on reconsideration, your request is subject to dismissal as repetitious. Any further such requests will be dismissed forthwith. See 47 CFR §1.106(k)(3).

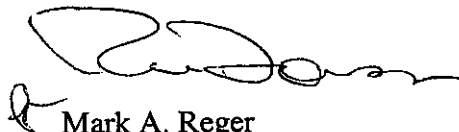
David Tillotson, Esq.

2.

Improvement Act, 31 U.S.C. § 3717. *See Assessment and Collection of Regulatory Fees for Fiscal Year 2001*, Report and Order, 16 FCC Rcd 13,525, 13, 537; *see also Assessment and Collection of Regulatory Fees for Fiscal Year 2003*, Report and Order, 18 FCC Rcd 15,985 (2003) ¶34. *See generally* 47 C.F.R. §§ 1.1112 and 1.1164.

If you have any questions concerning this matter please contact the Revenue and Receivables Operations Group at (202) 418-1995.

Sincerely,

A handwritten signature in black ink, appearing to read "Mark A. Reger", with a stylized flourish at the end.

Mark A. Reger  
Chief Financial Officer